

TOWN OF DAVIE TOWN COUNCIL AGENDA REPORT

TO: Mayor and Councilmembers

FROM/PHONE: Mark A. Kutney, AICP, Development Services Director/ (954) 797-1101

PREPARED BY: Lise Bazinet, Planner II

SUBJECT: Quasi Judicial Hearing: Ordinance 1st Reading, ZB 2-1-07/07-60/DS Realty / 4802 S.W. 51st Street / Generally located on S.W. 51st Street, west of State Road 7, and north of Stirling Road.

AFFECTED DISTRICT: District 1

ITEM REQUEST: **Schedule for Council Meeting**

TITLE OF AGENDA ITEM: AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING REZONING PETITION ZB 2-1-07, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM CF, COMMUNITY FACILITY DISTRICT TO M-2, MEDIUM INDUSTRIAL DISTRICT; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

REPORT IN BRIEF: The petitioner (DS Realty Inc.) requests to rezone the subject site from CF, Community Facility District to M-2, Medium Industrial District. The 1.33 net acres (58,370 sq. ft.) property was formally a Church and has been vacant for some time. Approval of this request will allow the the property to be used as an equipment rental business. According to the Land Development Code, the subject site meets the minimum technical requirements for the M-2, Medium Industrial District zoning classification, as the minimum lot size required is 35,000 square feet (approximately 0.80 acres), and a minimum lot frontage of 100 feet. Additionally, the site is adjacent to the zoning designations of A-1, Agricultural District, to the north, a proposed right-of way to the west, M-2, Medium Industrial District to the south, and M-1, Light Industrial and M-3, Planned Industrial Park districts to the east. The rezoning request is in conformance with all applicable Codes and Ordinances and is consistent with surrounding land use designations.

PREVIOUS ACTIONS: N/A

CONCURRENCES:

At the June 27, 2007 Planning & Zoning Board, Vice-Chair Stevens made a motion, seconded by Chair Bender, to approve. **(Motion carried 5-0).**

FISCAL IMPACT: not applicable

Has request been budgeted? n/a

RECOMMENDATION(S): Staff finds the application complete and suitable for transmittal to the Planning and Zoning Board and Town Council for further consideration.

Attachment(s): Ordinance, Planning Report

ORDINANCE _____

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING REZONING PETITION ZB 2-1-07, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM CF, COMMUNITY FACILITY DISTRICT TO M-2, MEDIUM INDUSTRIAL DISTRICT; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the Town Council of the Town of Davie authorized the publication of a notice of a public hearing as required by law, that the classification of certain lands within the Town be changed **FROM:** CF, Community Facility District **TO:** M-2, Medium Industrial District,

WHEREAS, said notice was given and publication made as required by law, and a public hearing there under was held on the date of the adoption of this ordinance

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE FLORIDA:

SECTION 1. That the property herein after described is hereby rezoned and changed **FROM:** CF, Community Facility District **TO:** M-2, Medium Industrial District,

a. The subject property is described in Exhibit "A," which is attached hereto and made a part hereof;

SECTION 2. That the zoning map heretofore adopted by the Town Council is hereby amended to show the property described in Section 1, herein, as M-2, Medium Industrial District;

SECTION 3. All Ordinances or parts of Ordinances in conflict herewith are to the extent of such conflict hereby repealed;

SECTION 4. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion of this Ordinance;

SECTION 5. This Ordinance shall take effect immediately upon its passage and adoption.

PASSED ON FIRST READING THIS _____ DAY OF _____, 2007.

PASSED ON SECOND READING THIS _____ DAY OF _____, 2007.

MAYOR/COUNCILMEMBE

R
ATTEST:

TOWN CLERK

Approved this _____ day of _____, 2007

Exhibit "A"

Application: ZB 2-1-07/07-60/DS Realty

Original Report Date: 6/18/07

Revision(s): 7/10/2007

TOWN OF DAVIE

Development Services Department

Planning & Zoning Division

Staff Report and Recommendation

Applicant Information

Owner/Petitioner:

Name: DS Realty Inc. /Scott Daiagi

Address: 3585 NW 31st Avenue

City: Oakland Park, Florida 33309

Phone: (954) 484-5600

Background Information

Date of Notification: June 20, 2007 **Number** of
Notifications: 28

Petitioner's Request: Rezone the approx. 1.33 acre subject site

Address: 4802 S.W. 51st Street

Location: Generally located on S.W. 51st Street, west of State Road 7,
and north of Stirling Road.

Future Land

Use Plan Map: Industrial

Existing Zoning: CF, Community Facility District

Proposed Zoning: M-2, Medium Industrial District.

Existing Use: Vacant church facility

Parcel Size: 1.33 net acres (58,370 sq. ft.)

Proposed Use(s): Equipment rental business

Proposed Density: N/A

Surrounding Use(s):

Surrounding Land

Use Plan Map

Designation(s):

North: Nursery

Industrial

South: Warehouses

Industrial

East: Gravel Road (proposed right-of-way)

Industrial

West: Warehouses

Industrial

Surrounding Zoning(s):

North: A-1, Agricultural District

South: M-2, Medium Industrial District

East: M-1, Light Industrial/M-3, Planned Industrial Park

West: A-1, Agricultural District

Zoning History

Related zoning history:

Records indicate that the existing Future Land Use Plan Map designation and Zoning classification were in place at the time of annexation.

Previous requests on same property: N/A

Concurrent Request(s) on same property: none at this time.

Applicable Codes and Ordinances

The effective Code of Ordinances governing this project is the Town of Davie Land Development Code.

Land Development Code (Section 12-305), Rezoning, Special Permits, Variances, and Vacations or Abandonment's of Rights-of-Way, the purpose of this division is to guide the processing and granting of rezoning, special permits, variances and vacations or abandonment's of rights-of-way in a manner consistent with the Town of Davie Comprehensive Plan, existing development and in a manner which protects the public health, safety and welfare.

Land Development Code (Section 12-24 (J)(8)), the M-2, Medium Industrial District is intended to implement the industrial classification of the Town of Davie Comprehensive Plan by providing for medium industrial uses which, by their inherent nature or by virtue of the materials used, processes utilized or products produced, may involve some characteristics objectionable to or incompatible with residential areas.

Comprehensive Plan Considerations

Planning Area:

The subject property falls within Planning Area 6. Planning Area 6 includes lands located south of State Road 84, east of University Drive and north of Nova Drive, together with lands located east of the Florida Turnpike and west of State Road 7, south of State Road 84 and north of the south Town limits. The majority of this planning area is industrially zoned and land used plan designated. There are small commercial parcels along the State Road 7 corridor with one large retail center being located on the southeast corner of University Drive and State Road 84. Commercial flexibility has been applied to parcels on Nova Drive.

Broward County Land Use Plan:

The subject site falls within Flexibility Zone 81.

Applicable Goals, Objectives & Policies:

Future Land Use Plan, Objective 17: Land Use Compatibility and Community Appearance, Policy 17-3: Each development proposal shall be reviewed with respect to its compatibility with adjacent existing and planned uses.

Policy 17-2: No property within the Town shall be rezoned to a zoning district that is not in compliance with the Davie Future Land Use Plan.

Application Details

The petitioner (DS Realty Inc.) requests to rezone the subject site from CF, Community Facility District to M-2, Medium Industrial District. Approval of this request will allow the the property to be use as an equipment rental business.

The subject site is located on S.W. 51st Street, west of State Road 7, and north of Stirling Road. Adjacent future land use plan map designations consist of Industrial to the north, south, east, and west. Additionally, the subject site is adjacent to the zoning designations of A-1, Agricultural District, to the north, a proposed right-of way to the west, M-2, Medium Industrial District to the south, and M-1, Light Industrial and M-3, Planned Industrial Park districts to the east.

Public Participation

The public participation process provides the ability for citizens of the Town of Davie to actively participate in the Town's development procedures. The petitioner conducted meetings with the public at the Town of Davie Community Room on April 20, 2007 and April 27, 2007. Attached is the petitioner's Citizen Participation Report.

Staff Analysis

The purpose of this request is to rezone the subject site from CF, Community Facility District to M-2, Medium Industrial District. According to the Land Development Code, the subject site meets the minimum technical requirements for the M-2, Medium Industrial District zoning classification, as the minimum lot size required is 35,000 square feet (approximately 0.80 acres), and a minimum lot frontage of 100 feet.

The following information is staff's analysis based on the criteria established in the Town of Davie's, Land Development Code, Section 12-307(A)(1) for rezoning applications:

- (a) The proposed change is not contrary to the adopted comprehensive plan, as amended, or any element or portion thereof;

The proposed rezoning to M-2, Medium Industrial District will be consistent with the existing Industrial land use designation. Industrial land use designation allows for heavy uses including new and used automobile, truck, motorcycle, boat, and trailer display, sales and services. Therefore, the proposed equipment rental business will be consistent with the allowable uses within the Industrial land use category.

- (b) The proposed change will not create an isolated zoning district unrelated and incompatible with adjacent and nearby districts;

Rezoning the subject site to M-2, Medium Industrial District is related and compatible to the adjacent zoning designations of M-2, Medium Industrial

District to the south, and M-1, Light Industrial and M-3, Planned Industrial Park districts to the east.

(c) Existing zoning district boundaries are logically drawn in relation to existing conditions on the property proposed for change;

The subject site's boundary lines precisely correspond to the boundaries of the proposed equipment rental business and the rezoning request is logical since the property meets the requirements to gain the zoning designation.

(d) The proposed change is not expected to adversely affect living conditions in the neighborhood;

Rezoning the subject site to M-2, Medium Industrial District is required in order to develop the proposed equipment rental business. M-2, Medium Industrial District is intended to implement the industrial classification by providing for medium industrial uses which, by their inherent nature or by virtue of the materials used, processes utilized or products produced, may involve some characteristics objectionable to or incompatible with residential areas. In addition, the Land Development Code requires that the subject site be designed to account for the adjacent Residential Zoning District by requiring a minimum 50' setback from property lines adjacent to areas zoned, occupied or Land Use Plan designated residential, and an eight (8) foot masonry wall and 10' landscape buffers.

(e) The proposed change may not create or excessively increase automobile and vehicular traffic congestion above that which would be anticipated with permitted intensities or densities of the underlying land use plan designation, or otherwise affect public safety;

The traffic generated by the proposed equipment rental use is what the existing Industrial future land use plan anticipated.

(f) The proposed change is not expected to adversely affect other property values;

The subject site is adjacent to roads, industrial, agricultural, and commercial uses and should not have a negative impact on the value of the adjacent properties. The proposed equipment rental business is consistent with the Industrial Land Use designation of the property and all surrounding properties.

(g) The proposed change will not be a deterrent to the improvement or development of other property in accord with existing regulations;

Rezoning the subject site will not deter improvements to the surrounding developed properties, since all properties are required to meet existing Land Development Code in regards to setbacks and landscape buffers. Staff is requesting as condition of approval that the petitioner meet all Town of Davie Engineering comments regarding the improvement of the gravel road located to the west of the property.

(h) The proposed change does not constitute a grant of special privilege to an individual owner as contrasted with the welfare of the general public;

The granting of this rezoning petition will not give the owner a unique benefit that harms the welfare of the general public. This rezoning will be consistent with the existing and adjacent properties' Industrial land use designation.

(i) There are not substantial reasons why the property cannot be used in accord with existing zoning.

The existing CF, Community Facility does not allow equipment rental business. However, the Future Land Use Plan designates the subject site as Industrial. Therefore, the proposed zoning change is consistent with land use that allows equipment rental businesses.

(j) The proposed zoning may be the most appropriate designation to enhance the Town's tax base given the site's location relative to the pattern of land use designations established on the future land use plan map, appropriate land use planning practice, and comprehensive plan policies directing land use location.

The proposed equipment rental business is consistent with the Industrial land use designation and will provide a higher tax base than Community Facility uses.

Staff finds that the rezoning request complies with the general purpose of the proposed M-2, Medium Industrial District. The rezoning request is in conformance with all applicable Codes and Ordinances and is consistent with surrounding land use designations.

Staff Recommendation

Staff finds the application complete and suitable for transmittal to the Planning and Zoning Board and Town Council for further consideration.

Planning and Zoning Board Recommendation

At the June 27, 2007 Planning & Zoning Board, Vice-Chair Stevens made a motion, seconded by Chair Bender, to approve. In a roll call vote, the vote was as

follows: Chair Bender – yes; Vice-Chair Stevens – yes; Mr. Busey – yes; Mr. Pignato – yes; Ms. Turin – yes. (Motion carried 5-0).

Town Council Action

Exhibits

1. Justification Letter
 2. Survey
 3. Proposed Conceptual Site Plan
 4. 1,000' Mail out Radius Map
 5. Property Owners within 1,000' of the Subject Site
 6. Public Participation Notice
 7. Public Participation Sign-in Sheet
 8. Public Participation Summaries
 9. Future Land Use Plan Map
 10. Aerial, Zoning, and Subject Site Map
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Prepared by: _____

Reviewed by: _____

File Location: P&Z\Development Applications\Applications\ZB_Rezoning\ZB_06\ZB 2-1-07 DS Realty

Exhibit 1 (Justification Letter)

D S REALTY, INC.
3585 N.W. 31st Avenue
Oakland Park, Florida 33309
954-484-5600

May 22, 2007

Mr. Mark A. Kutney, AICP
Director
Development Service Department
Town of Davie
6591 Orange Drive
Davie, Florida 33314-3399

RE: Rezoning application
Site Address: 4802 SW 51st Street, Davie, Florida 33314

Dear Mr. Kutney,

Attached is an application to rezone the above mentioned property from CF to M-2.

Subject property was rezoned sometime back in the early 90's from Agriculture to CF and has been a Church since then. The former property Owner, Church Street Ministries Inc., provided food and clothing to the homeless and conducted religious services in the existing building. Those attending the services parked their cars on the grass.

The CF zoning is a non-conforming use in an area that is Industrial. The adjacent properties are zoned M-2 and M-3.

Since CF zoned property pays no real estate taxes, **rezoning** would assist the Town of Davie by putting the property back on the tax roll.

Applicant is requesting rezoning to M-2 for his Equipment Rental Business. The building will be used as an office and the vacant land will be paved and used to park and store equipment similar to the Nations Rent Business on Davie Blvd, South of I-595. See site plan attached for Applicants proposed use.

Your consideration is appreciated. If you have any questions, please contact me. Thank you.

Very truly yours,

D S Realty, Inc.


BY: 
Scott Daiagi, President

Exhibit 2 (*Survey*)

Exhibit 3 (*Proposed Conceptual Site Plan*)



A1 OF 1

A1 OF 1

MAY 31 2007
 10-2-2006 (Wed) 06:17

100

Exhibit 4 (1,000' Mail out Radius Map)



Exhibit 5 (Property Owners within 1,000' of Subject Site)

ZB 2-1-07

AERO ELECTRIC INC
160 W TROPICAL WAY
PLANTATION FL 33317

ZB 2-1-07

ARSHABAN,AVI
5000 SW 51 ST
DAVIE FL 33314

ZB 2-1-07

BROWARD REALTY LTD PRTR OHIO
27500 DETROIT RD STE 300
WESTLAKE OH 44145

ZB 2-1-07

COMMERCE CENTER OF S BROWARD
% MARTY GORDON
222 S MILITARY TRAIL
DEERFIELD BEACH FL 33442-3017

ZB 2-1-07

DAVIE 3 LLC
19080 NE 29 AVE
AVENTURA FL 33180

ZB 2-1-07

DAVIE 51 LLC
4700 HIATUS RD STE 153
SUNRISE FL 33351

ZB 2-1-07

DAVIE TOO LLC
4700 HIATUS ROAD SUITE 153
SUNRISE FL 33351

ZB 2-1-07

DRIFTWOOD HOLDINGS LLC
4800 GRIFFIN RD
DAVIE FL 33314-4636

ZB 2-1-07

FINK,BLANCHE & KAUFMAN,L & I
% FLAGLER REALTY & DEV INC
505 S FLAGLER DR STE 1010
WEST PALM BEACH FL 33401-5949

ZB 2-1-07

FLORIDA AUTO AUCTION OF
ORLANDO INC
5353 S STATE ROAD 7
DAVIE FL 33314

ZB 2-1-07

FLORIDA STATE TURNPIKE
AUTHORITY
PO BOX 8008
FORT LAUDERDALE FL 33310-8008

ZB 2-1-07

GWYNN,EDWARD GERALD &
GWYNN,DARRELL MARK
3221 ROSEWOOD CT
DAVIE FL 33328-6759

ZB 2-1-07

HERNDON,STEPHEN DUANE
HERNDON,MARIA LINDBERG
4907 SW 51ST ST
DAVIE FL 33314-5507

ZB 2-1-07

HERNDON,T B & PHYLLIS
4903 SW 51ST ST
DAVIE FL 33314-5507

ZB 2-1-07

JORDAN,THOMAS M
4901 SW 51 ST
DAVIE FL 33314-5507

ZB 2-1-07

KROUSKROUP,MELVIN C JR &
BAIER,RONALD A
4761 SW 51ST ST
DAVIE FL 33314-5525

ZB 2-1-07

MEDEIROS,LINDA NICHOLS
4905 SW 51 ST
FT LAUDERDALE FL 33301

ZB 2-1-07

NICHOLS,BILLY J
5021 SW 51ST ST
DAVIE FL 33314-5509

ZB 2-1-07

REDDY ICE CORP
% TAX MANAGER
8750 N CENTRAL EXPRESSWAY
#1800
DALLAS,TX 75231-6450

ZB 2-1-07

ROWARS,CHARLES M TR
4990 SW 52 ST #201
DAVIE FL 33314-5520

ZB 2-1-07

SCHWARTZ,JOSEPH LEONARD
2435 HOLLYWOOD BLVD
HOLLYWOOD FL 33020

ZB 2-1-07

ST PHILIP EASTERN ORTHODOX
CHURCH
4870 GRIFFIN ROAD
DAVIE FL 33314

ZB 2-1-07

STREET CHURCH MINISTRIES INC
P O BOX 7298
HOLLYWOOD FL 33081

ZB 2-1-07

TEMPLE BETH EL OF HOLLYWOOD
1351 S 14TH AVE
HOLLYWOOD FL 33020-6423

ZB 2-1-07

ZACCO,MARIO & KARON

13100 SW 49 ST

DAVIE FL 33330

Exhibit 6 (*Public Participation Notice*)

D.S. REALTY, INC.
3585 N.W. 31st Avenue
Oakland Park, Florida 33309
954-781-1000

March 27, 2007

Re: Citizen Participation Plan Meeting for 4802 SW 51 St., Davie, Florida

Dear Sir/Madam,

This letter is to advise you to a Citizen Participation meeting relating to the D.S.Realty project for a parcel located at 4802 SW 51 Street, Davie, Florida. D.S.Realty Inc. through a subsidiary Budget Equipment Inc. leases various types of equipment to businesses and homeowners.

Under a Town of Davie ordinance, the petitioner is required to hold two (2) citizen participation meetings and send notice to all property owners within 1,000 feet of the subject site prior the Town initiating their review of the application. We have scheduled the following meetings:

First Citizen Participation Meeting:

Date: April 20, 2007

Time: 8:00PM

Location: Davie Town Hall Community Room, 6591 Orange Drive, Davie

Second Citizen Participation Meeting:

Date: April 27, 2007

Time: 8:00PM

Location: Davie Town Hall Community Room, 6591 Orange Drive, Davie

If you wish to submit written comments, please send them to:

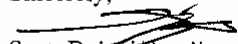
Scott or Lori/Budget Equipment Rental

3585 NW 31 Avenue, Oakland Park, FL 33309

Telephone: (954) 781-1000

Also, please be advised that there will be additional opportunities for public input at the Town of Davie Public Hearings.

Sincerely,



Scott Dainoff/Applicant
D.S.Realty Inc.

Exhibit 7 (*Public Participation Sign-in Sheet*)

SIGN IN SHEET
PUBLIC PARTICIPATION MEETING I.

(Date)
4/20/07

NAME	ADDRESS	PHONE
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No one came.

SUMMARY OF DISCUSSION
AT PUBLIC PARTICIPATION MEETING II.

4/27/07

(The following information should be minutes of the second public hearing meet)

(All letters and/or phone calls received by the applicant from the public prior to the second Public Participation Meeting shall be attached to this section)

No Body came to the meeting.

Exhibit 8 (Public Participation Report)

SUMMARY OF DISCUSSION
AT PUBLIC PARTICIPATION MEETING I.

(The following information should be minutes of the first public hearing meet)

(All letters and/or phone calls received by the applicant from the public prior to the first Public Participation Meeting shall be attached to this section)

4/20/07 Nobody came

SUMMARY OF DISCUSSION
AT PUBLIC PARTICIPATION MEETING II.

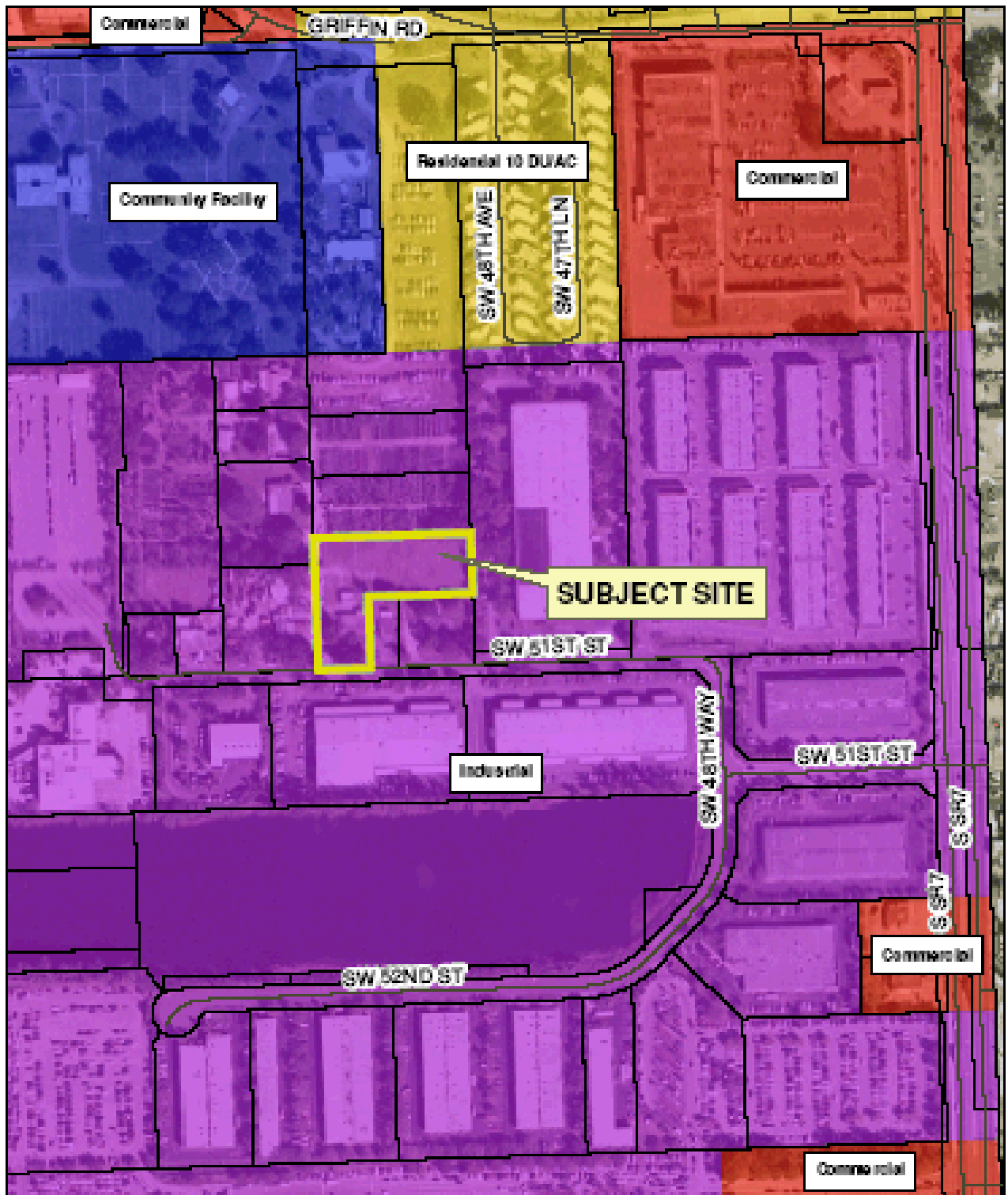
4/27/07

(The following information should be minutes of the second public hearing meet)

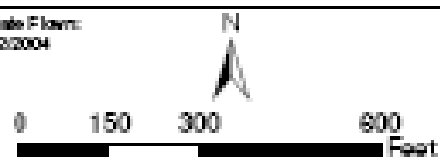
(All letters and/or phone calls received by the applicant from the public prior to the second Public Participation Meeting shall be attached to this section)

No Body came to the meeting.

Exhibit 9 (*Future Land Use Map*)



Date Flown:
12/2004



Prepared by the Town of Davie GIS Division

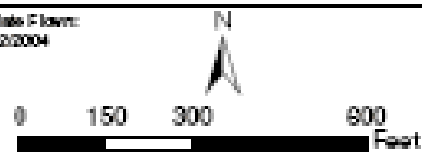
Rezoning ZB 2-1-07 Future Land Use Map

Prepared by: ID
Date Prepared: 6/30/2017

Exhibit 10 (*Aerial, Zoning, and Subject Site Map*)



Date Flown:
12/2004



Prepared by the Town of Darle GIS Division

Rezoning ZB 2-1-07 Zoning and Aerial Map

Prepared by: ID
Date Prepared: 6/30/2007